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Native Sun News: Oglala Sioux Tribe gears up for uranium battle

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RAPID CITY - As the Oglala Sioux Tribe prepared to testify against proposed foreign uranium mining and milling in Black Hills treaty territory, the mining proponent was facing a deadline this week for turning a chunk of its company over to a new Canadian business partner.

The proponent, former Powertech Uranium Corp., now Azarga Uranium Corp., had until Aug. 15 to pay Energy Fuels Resources (USA) Inc. a sum of \$100,000 to close a deal providing the latter nearly 1.8 million common shares in the former - in exchange for geological information crucial to the mining.

The Nuclear Regulatory Commission (NRC) Atomic Safety and Licensing Board (ASLB) scheduled the Rapid City evidentiary hearings in the contested administrative case over the proposed Dewey-Burdock in-situ uranium mine and mill for Aug. 19-21 at the Hotel Alex Johnson, and told the company to divulge the new information.

In Aug. 6 correspondence with Azarga, the ASLB called the information "relevant" and said that it is subject to "mandatory disclosure." It may provide key facts about the safety of mining at the site straddling Custer and Fall River counties adjacent to the Pine Ridge Indian Reservation.

It consists of historical drill-hole logs and maps that Tennessee Valley Authority prepared in the 1970s and 1980s for proposed mining of the Dewey-Burdock uranium deposit, as well as digitized data generated from these documents.

The information was acquired "to assist Powertech's planning of well fields for the Dewey Burdock uranium property by providing additional quality data to complement Powertech's existing database," Azarga said in a news release about the deal to obtain the records.

On Aug. 7, the company objected to public disclosure of the information and argued that the material is not relevant to the ASLB proceeding.

However, the ASLB panel noted that its members will be hearing the Oglala Sioux Tribe's contention that the documentation to date has "failed to include adequate hydrogeological information" to demonstrate the mining company can control the flow of mine water.

Testimony has been filed by the tribe, the NRC staff, the mining company, and other interveners in the ASLB case, such as the Rapid City-based ad hoc Clean Water Alliance, on the question of whether historic drilling in the area affects the intermingling of aquifer waters.

Robert Moran, an expert witness for interveners, told the ASLB: "Dewey-Burdock uranium ore zones are not hydraulically-isolated from other geologic units, other aquifers or zones outside the project area," the board noted in its order to Powertech to produce the data.

The board said his expert opinion is that "potential groundwater-flow pathways in and near the project area are critical to analyzing the proposal and impacts from operations."

It said Moran's opinion is based on the presence at Dewey-Burdock of "inter-fingering sediments; fractures and faults; breccia pipes, and/or collapse structures; 4,000 to 6,000 exploration boreholes" and oil test wells.

"Of course information on the rock formations that the company wants to mine is relevant to the risks we face if Powertech/Azarga is allowed to mine directly in our groundwater aquifers," said Liliás Jarding of the Clean Water Alliance.

"The public, the parties, and the Nuclear Regulatory Commission have a most basic right to know what the company knows. And the fact that the company is balking at producing this information is highly suspicious," she said in a written statement.

The ASLB also noted that it has heard expert testimony from proponent witnesses, such as Errol Lawrence, who testified that "all available site-specific data collected to date refute Dr. Moran's expert opinion that there are collapse features in the Dewey-Burdock Project area. Nor is there evidence that faults, fractures or leaky boreholes are significantly affecting the hydrogeology within the project area."

The company has told the ASLB it didn't include the information contender's demand, "since features such as faults, fractures, breccia pipes and open boreholes are not present or, if at all, only present in very limited instances across the site."

The NRC staff has advised ASLB panel members that "Powertech cannot confirm that all historic borings were properly plugged and abandoned." However, it notes, "Powertech has committed to plugging abandoned boreholes before beginning operations in specific well fields."

It was on July 16 that Azarga announced it agreed on May 9 to the deal with Energy Fuels to obtain the new information. It had received an NRC staff approval a month earlier on April 8 for a license to handle radioactive materials April 8.

The information is not included in the documents that the company used in its application to the NRC or in the agency's Environmental Impact Statement, which led to the staff approval of the license now being contested. The fact that the information became available directly after the license was issued is also "highly suspicious," Jarding said.

Energy Fuels was responsible for 25 percent of all uranium mining in the United States in 2013, according to the Toronto-based company. It operates the only conventional uranium mill in the United States, located in White Mesa, Utah.

It also claims a suite of uranium mining properties, which are located in Utah's Henry Mountains.

In Wyoming, it has the Sheep Mountain, Gas Hills and Juniper Ridge mining projects. In New Mexico, it shares the Roca Honda uranium mining project with Sumitomo Corp. of Japan.

In Arizona, it is producing uranium at the Pinenut strip mine, developing the Canyon strip mine, and seeking permits for the EZ Complex strip mines.

Azarga is chiefly under the control of investors in Hong Kong, Singapore and Australia.

In addition to challenging the company on water concerns, the Oglala Sioux Tribe will testify that Azarga has failed to meet requirements for historical and cultural resource protection by unsatisfactory consultation with tribes.

The Manderson-based non-profit Owe Aku ("Bring Back the Way") is encouraging people to attend a prehearing opportunity to speak to ASLB panelists in Hot Springs on Aug. 18, about concerns over the proposed mining.

"People have to mobilize!" says Owe Aku founder Debra White Plume. "Mark your calendar now and prioritize those pennies for gas money to get there for Unci Maka and sacred water."

The event has been set for the Mueller Civic Center, with oral testimony sessions scheduled from 11 a.m. to 2 p.m. and from 5 to 8 p.m.

Alternatively, written statements can be submitted to hearingdocket@nrc.gov with a copy to Nicholas.Sciretta@nrc.gov and Twana.Ellis@nrc.gov

For those attending, the NRC has issued a ban on weapons, after at least one supporter of uranium mining was found packing a pistol during state-level permit hearings for the uranium mine in 2013.

"No person other than federal law enforcement, Fall River County Sheriff's Department, Hot Springs Police Department, Rapid City Police Department or other authorized law enforcement organization while performing official duties, shall wear or otherwise carry a firearm, edged weapon, impact weapon, electronic control device, chemical weapon, ammunition, or other dangerous weapon into the Limited Appearance Sessions scheduled at the Mueller Civic Center on Aug. 18, 2014 or the evidentiary hearing scheduled at the Hotel Alex Johnson, beginning on Aug. 19, 2014," the NRC said in a written notice.

The statewide grassroots non-profit Dakota Rural Action is among several groups that have advertised a free musical event and pre-hearing rally from 5 to 8 p.m. at the Allen Ranch campground on the evening of Aug. 17, for people who will be attending the sessions.

Wayne Brennan and the Open Mike Band from Australian headline the concert with local musicians.

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